

CHARTER

The Mayor and Commission of the City of Florida City, Dade County, State of Florida, do hereby propose the following charter for the City of Florida City, amending, replacing and superseding all of its former charters.

PREAMBLE

The citizens of the City of Florida City, in order to protect the health, welfare and safety of its residents, and promote honorable, efficient and responsive government, hereby adopt this Charter in accordance with the Constitution and laws of the State of Florida. The government and administration shall be vested in a Mayor-Commission form of government.

CITIZENS' BILL OF RIGHTS

(A) This government has been created to protect the governed, not the governing. In order to provide the public with full and accurate information, to promote efficient administration management, to make government more accountable, and to insure to all persons fair and equitable treatment, the following rights are guaranteed:

- (1) *Convenient Access.* Every person has the right to transact City business with a minimum of personal inconvenience. It shall be the duty of the Mayor and the Commission to provide, within budgetary limitations, reasonably convenient times and places for registration and voting, for required inspections, and for transacting business with the City.
- (2) *Truth in Government.* No City official or employee shall knowingly furnish false information on any public matter, nor knowingly omit significant facts when giving requested information to members of the public.
- (3) *Public Records.* Records of the City, its agencies, boards, committees, authorities and departments shall be open for inspection at reasonable times and places convenient to the public, to the extent required by law.

- (4) *Minutes and Ordinance Register.* The Clerk shall maintain and make available for public inspection a register separate from the minutes showing the votes of each Commission member on all ordinances and resolutions listed by descriptive title.
- (5) *Right to be Heard.* So far as the orderly conduct of public business permits, any interested person has the right to appear before the Commission or agency, board, committee, authority or department for the presentation, adjustment or determination of an issue, request, or controversy within the jurisdiction of the City in a reasonable manner. The Commission shall adopt agenda procedures and schedule hearings in a manner that will enhance the opportunity for public participation. Nothing herein shall prohibit any governmental entity or agency from imposing reasonable time limits and procedures for the presentation of a matter.
- (6) *Right to Notice.* Persons entitled to notice of a City hearing shall be timely informed as to the time, place and nature of the hearing and the legal authority pursuant to which the hearing is to be held. Failure by an individual to receive such notice shall not constitute mandatory grounds for canceling the hearing or rendering invalid any determination made at such hearing. Copies of proposed ordinances or resolutions shall be made available at a reasonable time prior to the hearing, unless the matter involves an emergency ordinance or resolution.
- (7) *Notice of Action and Reasons.* Reasonable notice shall be given of the denial in whole or in part of a request of an interested person made in connection with any City administrative decision or proceeding when the decision is reserved at the conclusion of the hearing.

(B) The foregoing enumeration of citizens' rights vests large and pervasive powers in the citizenry of the City. Such power necessarily carries with it responsibility of equal magnitude for the successful operation of government in the City. The

orderly, efficient and fair operation of government requires the participation of individual citizens exercising their rights with dignity and restraint so as to avoid any sweeping acceleration in the cost of government because of the exercise of individual prerogatives, and for individual citizens to grant respect for the dignity of public office.

(C) All provisions of this Bill of Rights shall be construed to be supplementary to and not in conflict with the general laws of Florida and the Home Rule Charter of Miami-Dade County, Florida.

ARTICLE I. CORPORATE POWERS, FORM OF GOVERNMENT AND CORPORATE BOUNDARY

Section 1.01. Creation and Powers.

The City of Florida City shall continue to exist as a municipality organized under the laws of the State of Florida and shall continue to have all governmental, corporate, and proprietary powers to enable it to conduct municipal services, and may exercise any power to accomplish the same, except as otherwise provided by law.

The powers of the City shall be construed liberally in favor of the City, limited only by the Constitution, general law, the Charter of Miami-Dade County and the specific limitations that are contained therein.

In order to secure for the City the broad exercise of home rule power as provided by Article VIII, Section 2(b) of the Constitution of the State of Florida, the provisions of all general laws relating to and governing municipalities generally in the State of Florida are hereby adopted and incorporated herein as though expressly set forth in full. It is intended that all such powers, rights and limitations be and they are hereby granted to the City of Florida City.

The enumeration of particular powers by this Charter shall not be exclusive. In addition, the City shall have and may exercise all powers which, under the Constitution and laws of the State of Florida, the Constitution and laws of the

United States of America and the charter and ordinances of Miami-Dade County, it could have and might exercise.
(Election of 1-26-10)

Section 1.02. Limitation of Powers.

The powers of the City, in addition to the limitations imposed by law, are further limited by the following:

(a) The City Commission shall have and exercise all powers of the City not specifically conferred upon other officers and employees. It may delegate any power except the power to fix the rate of taxes, enact ordinances and resolutions, incur indebtedness, adopt a budget and appropriate funds.

(b) The City Commission may create, change or amend any existing zoning classification within the City in accordance with the procedure contained in Section 166.041(c), Florida Statutes (2009), or such other procedure as may be permitted by state law.
(Election of 1-26-10)

Section 1.03. Description of Corporate Boundary.

The corporate boundaries of the City of Florida City are defined as those existing and in effect upon the date of passage of this Charter as authorized under the laws of this state. The current legal description of the City's boundaries is available for inspection in the Office of the City Clerk.

(Election of 1-26-10)

ARTICLE II. COMMISSION AND MAYOR

Section 2.01. Power and Composition of City Commission.

The legislative powers of the City shall be vested in the City Commission. The City Commission shall be comprised of five members elected

from the City at large, one of whom shall be Mayor. References to the City Commission shall include the Mayor, unless otherwise indicated. (Election of 1-26-10)

Section 2.02. Powers and Duties of Mayor.

(a) *Position of Mayor.* The Mayor shall be the chief executive officer and the administrative head of the municipal government and shall be responsible for the efficient administration and operation of all departments of the City. The Mayor shall be responsible to the Commission for the proper administration of affairs of the City and to that end shall have, as executive officer of the City, powers as provided in this Charter. The Mayor shall preside and have full voting power at meetings of the City Commission.

(b) *Specific Authority of Mayor.* The Mayor shall:

- (1) Appoint and when he deems it necessary for the good of the City, suspend or remove all City employees and appointive administrative officers provided for by or under this Charter or personnel rules adopted pursuant to this Charter. The Mayor may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that Officer's department, office or agency.
- (2) Except as otherwise provided in the Charter or by general law, be responsible for the supervision and direction of all departments, agencies or offices of the City. All departments, offices and agencies under the direction and supervision of the Mayor shall be administered by an officer appointed by and subject to the direction and supervision of the Mayor including those who require confirmation by the City Commission.
- (3) Ensure that all laws, provisions of this Charter and acts of the Commission, subject to enforcement by the City's officers and subject to the Mayor's direction and supervision, are faithfully executed.
- (4) Prepare and submit to the Commission the annual budget and budget message which shall include any proposed capital improvement programs in a form as required by Charter and state law.
- (5) Submit to the Commission and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.
- (6) Make such other reports as the Commission may require concerning the operations of the City departments, offices and agencies that are subject to the direction and supervision of the Mayor.
- (7) Keep the Commission fully advised as to the financial condition and future needs of the City and make such recommendations to the Commission as the Mayor deems advisable or as the Commission requests.
- (8) The Mayor shall by ordinance or resolution be authorized to sign all deeds, contracts, bonds or other instruments of writing on behalf of the City and attested to by the City Clerk. All checks or drafts drawn on the accounts of the City shall require a combination of two (2) signatures by the Mayor, Vice-Mayor or Finance Director, or such other City officials as the Commission may designate.
- (9) Consolidate, create or combine offices, positions, departments or units under the Mayor's jurisdiction, with the approval of the City Commission.
- (10) The Mayor is authorized to accept service of legal process and upon receipt of same, shall immediately deliver it to the City Clerk.
- (11) The Mayor may develop and keep current an administrative code for the purpose of implementing ordinances passed by the City Commission.
- (12) Perform such other duties as are specified in this Charter or may be required by the City Commission.

(c) *Terms and Qualifications of Mayor.*

- (1) The Mayor will be elected for a four (4) year term and may be reelected subsequently.
- (2) The Mayor shall be a registered voter of the City and shall have resided in the City for at least one (1) continuous year prior to the date on which he or she qualified to run for the office of Mayor.

(Election of 1-26-10)

Section 2.03. Eligibility.

Any registered voter of the City shall be eligible to hold the office of the City Commissioner or Mayor providing that he or she has been a continuous resident of the City for one (1) year prior to qualification for the office.

(Election of 1-26-10)

Section 2.04. Terms of Offices.

Each Commissioner and the Mayor shall be elected-at-large for four (4) year terms in the manner provided hereinafter.

(Election of 1-26-10)

Section 2.05. Compensation.

The City Commission shall determine the annual salary of the Mayor and Commission members by resolution and cannot exceed the budgeted amount. Business expenses must be in the annual budget and cannot exceed the budgeted amount unless there is good cause shown.

(Election of 1-26-10)

Section 2.06. Vacancies.

(a) *City Commission.* A vacancy in the office of a member of the City Commission shall be filled in the following manner:

If the office of a Commission member becomes vacant on or before the Commissioner has served one half of his or her term plus one day, a special election shall be held within sixty (60) days to fill the vacancy for the balance of the term. If the office of a Commission member becomes vacant more than one half of his or her term plus one day after the Commissioner takes office, then the remaining members of

the Commission shall choose a successor and such appointee shall fill the vacancy for the balance of the term.

(b) *Mayor.* A vacancy in the office of the Mayor shall be filled in the following manner:

- (1) If the office of Mayor becomes vacant on or before the Mayor has served one half of his or her term, plus one day, a special election shall be held within sixty (60) days to fill the vacancy until the next regular election. The Vice-Mayor shall serve as Mayor until the special election.
- (2) If the office of Mayor becomes vacant after more than one half of his term plus one day after the Mayor takes office, then he or she shall be succeeded by the Vice-Mayor until a new Mayor is elected or appointed. If the Vice-Mayor chooses not to accept the position as Mayor then the Commission shall choose from among its members a Mayor who shall serve until a new Mayor is elected or appointed.

(c) *Vice-Mayor.* A vacancy in the office of the Vice-Mayor shall be filled in the following manner:

If the office of Vice-Mayor becomes vacant then the Commission shall choose from among its members a new Vice-Mayor to serve for the balance of the term.

(Election of 1-26-10)

Section 2.07. Acting Mayor.

During the prolonged absence or disability of the Mayor, the Vice-Mayor shall perform the duties of the office of Mayor. The absence, sickness or disability of the Mayor shall be determined only by the Mayor or a court of competent jurisdiction.

(Election of 1-26-10)

ARTICLE III. ADMINISTRATION AND LEGISLATION

Section 3.01. City Clerk.

The Mayor, subject to a majority vote of the City Commission, may appoint an employee of the

City who shall have the title of City Clerk, who shall give notice of Commission meetings, shall keep the journal of its proceedings, shall authenticate by his or her signature, and record in a book kept for the purpose, all ordinances and resolutions, shall have authority to administer oaths, shall periodically examine and analyze the condition of all municipal departments and assist in the preparation of the budget, shall have charge of the conduct of municipal elections, shall act as supervisor of registration, and shall perform such other duties as shall be required by this Charter, by ordinance, or by the Mayor.
(Election of 1-26-10)

Section 3.02. City Attorney.

The Mayor, subject to a majority vote of the City Commission, shall appoint a City Attorney who shall have been a member of The Florida Bar for five (5) years prior to the appointment, and who shall be experienced in local government law. The City Attorney shall serve at the pleasure of a majority of the City Commission.
(Election of 1-26-10)

Section 3.03. Chief of Police.

The Mayor shall appoint a Chief of Police, subject to confirmation by the City Commission, and shall have the authority to remove the Chief of Police, subject to confirmation by the City Commission. The Chief of Police shall:

- (a) Be appointed solely on the basis of professional and managerial qualifications, and shall meet all requirements established by the State of Florida for a certified police officer and such additional requirements as the City Commission may establish;
- (b) Be the department head of the Police Department;
- (c) Be responsible for law enforcement as provided for by the Florida Statutes, the Code of Miami-Dade County, the City Charter and the City Code of Ordinances and;

- (d) Be responsible to the Mayor for the efficient administration of the Police Department.
(Election of 1-26-10)

Section 3.04. Personnel System.

All appointments and promotions of City officers and employees except those specifically exempted by ordinance shall be made solely on the basis of merit and fitness.
(Election of 1-26-10)

Section 3.05. Professional Consultants.

The Mayor shall appoint, subject to a majority vote of the City Commission, professional consultants as may be necessary to provide such services as the public interest may require.
(Election of 1-26-10)

Section 3.06. Commission Meeting Procedure.

(a) *Meetings:* The City Commission shall meet regularly at least twice in every month at such times and places as the Commission may prescribe by resolution. Regularly scheduled meetings may be cancelled by a majority of the Commission in the case of emergencies or good cause shown. Special meetings may be held on the call of the Mayor or two (2) or more members of the Commission.

(b) *Rules and Minutes:* The Commission shall determine its own rules and the Clerk shall set the order of business for each meeting pursuant to such rules, if applicable.

(c) *Voting:* The vote on all ordinances and resolutions shall be recorded in the minutes by the City Clerk. Any Commission member may request a roll call rather than a voice vote or show of hands; however, on final passage of an ordinance the vote of each member present shall be entered in the official record of the meeting.

(d) *Quorum:* Three (3) members of the City Commission shall constitute a quorum necessary to conduct business. In the event that less than three (3) Commission members are present in any

commission meeting, the Commission members present shall continue the meeting to another date.

(e) *Public Participation*: Nothing contained herein shall prohibit a member of the public from making public comment on any item on the Agenda, during the public participation of the meeting.

(f) *Citizens' presentations*: Any citizen shall be entitled to be heard concerning any matter within the scope of jurisdiction of the City Commission except for the following:

- (1) An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board or commission to act;
- (2) An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
- (3) A meeting that is exempt from Section 286.011, Florida Statutes, or
- (4) A meeting during which the board or commission is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law. The opportunity to be heard need not occur at the same meeting at which the city council takes official action on the proposition if the opportunity occurs at a meeting that is during the decision-making process and is within reasonable proximity in time before the meeting at which the board or commission takes the official action.

(Election of 1-26-10; Ord. No. 13-09, § 2, 11-26-13)

Section 3.07. Ordinances and Resolutions.

(a) *Actions requiring an ordinance*. In addition to other acts required by law or by specific provision of this Charter to be effected or authorized by ordinance, those acts of the City Commission shall be by Ordinance which:

- (1) Adopt or amend an administrative regulation or establish, alter or abolish any City office, department, board or agency;

- (2) Establish a rule or regulation, the violation of which carries a penalty;
- (3) Levy taxes or appropriate funds;
- (4) Grant, renew or extend a franchise;
- (5) Set service or user charges for municipal services or grant administrative authority to set such charges;
- (6) Authorize the borrowing of money;
- (7) Convey or lease or authorize by administrative action the conveyance or lease of any lands owned by the City; or
- (8) Amend or repeal any ordinance previously adopted, except as otherwise provided in this Charter.

(b) *Procedure*. Ordinances and Resolutions shall be adopted by the City Commission in the manner provided by the general law of the State of Florida.

(c) *Ordinances subject to initiative and referendum*. All Ordinances enacted by the City Commission shall be subject to the Initiative and Referendum provisions of this Charter, except for Ordinances and Resolutions relating to the adoption of an annual operating budget by the City and the setting of millage for ad valorem taxation. (Election of 1-26-10)

Section 3.08. Authentication and Recording of Legislation.

(a) *Authentication*: The Mayor and the City Clerk or Deputy Clerk shall authenticate by their signatures all ordinances and resolutions adopted by the City Commission. In addition, when charter amendments or ordinances have been initiated and approved by the electors after a referendum election, the Mayor and the City Clerk or Deputy Clerk shall authenticate by their signatures such charter amendment or ordinance. If an ordinance enacted by the Commission is repealed by referendum of the electors, then the City Clerk or Deputy Clerk shall note same in the minutes and on the body of such ordinance. The Deputy Clerk shall have the power to conduct all functions of the Clerk's office in the absence of the Clerk or at the Mayor's or Clerk's direction.

(b) *Recording*: The City Clerk shall cause the minutes to be kept properly and shall maintain properly indexed books in which shall be recorded in full all ordinances and resolutions passed by the Commission. Ordinances may at the direction of the Commission be codified. The City Clerk shall also maintain the City Charter in current form and shall enter all Charter Amendments and file copies of them with the Secretary of State of Florida and the Clerk of the Circuit Court of Dade County, as required by law.
(Election of 1-26-10)

ARTICLE IV. FINANCE, BUDGET AND TAXATION

Section 4.01. Fiscal Year.

The fiscal year of the City Government shall begin on the first day of October and shall end on the last day of September of each calendar year. Such fiscal year shall also constitute the budget and accounting year. As used in this Charter, the term "Budget Year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.
(Election of 1-26-10)

Section 4.02. Budget.

(a) *Required Procedure*. The Mayor, not later than August 15th of each year, unless an earlier date is prescribed by the City Commission, shall

submit to the Commission a budget and explanatory budget message. The Mayor shall obtain from each office or department estimates of its revenue and expenditures, and such other supporting data as he or she deems necessary. The Mayor shall also secure from each office or department an estimate of all pending capital projects which should be undertaken within the budget year and at any other period the City Commission may require. In preparing the budget the Mayor shall review the estimates, may hold hearings on them and may revise the estimates as he or she may deem advisable.

(b) *Accompanying message requirements.* The budget message submitted by the Mayor to the Commission shall explain the budget, shall contain an outline of the proposed financial policies of the City for the budget year and shall describe the important features of the budget. It shall set forth the reasons for salient changes from the previous year in cost and revenue items and shall explain any major changes in financial policies. Attached to the budget message shall be supporting schedules, exhibits and other explanatory material. Both the budget and the budget message and all supporting schedules shall be a public record.

(c) *Public hearing notice.* At the meeting of the Commission at which the budget and budget message are submitted, the Commission shall set the place and time for a public hearing on the budget. At least five (5) days before the hearing:

- (1) A notice of the time and place of the public hearing must be posted and
- (2) A notice of the time and place of the public hearing must be published in a newspaper of general circulation in the City.

At the public hearing, all interested persons shall be given an opportunity to be heard.

(d) *Adoption and Certification.* Upon final adoption, the budget shall be in effect for the budget year, and shall not be subject to referendum. A copy of the budget as finally adopted shall be certified by the Mayor.
(Election of 1-26-10)

Section 4.03. Budget Amendments/Supplemental and Emergency Appropriations.

a) *Increase or Decrease; Limitations.* After the conclusion of such public hearing, the Commission may revise and amend the budget; provided, however, that if the total of proposed expenditures is increased then the Commission shall cause to be posted a notice setting forth the nature of the proposed increase and fixing a place and time, not less than five (5) days after posting, at which the Commission will hold a further public hearing. The budget shall be finally adopted by an affirmative vote of the majority of the Commission, not later than October 1st of each year.

b) *Supplemental Appropriations.* If during the fiscal year, revenues in excess of those estimated in the budget are available for appropriation, the Commission by resolution may make supplemental appropriations for the year up to the amount of such excess.

c) *Emergency Appropriations.* In case of disaster or other circumstances creating an emergency, the Commission may, at any time, make an emergency appropriation for the purpose of repairing damages caused by such disaster or meeting such public emergency to the end that the public health, safety or welfare will be protected.

d) *Expenditures to be in accordance with budget.*

- (1) No money in an amount exceeding the total budgeted amount shall be drawn from the treasury of the City except in cases of emergency.
- (2) No obligation for the expenditure of money, exceeding the total budgeted amount shall be incurred except in cases of emergency.
(Election of 1-26-10)

Section 4.04. Appropriation Transfers.

The Mayor, with the approval of the Commission, may at any time transfer, by resolution, any unencumbered appropriation balance or portion thereof from one office or department to another.

The Mayor may, at any time, revise any line items within any departmental budget within the total adopted departmental budget amount, as circumstances may require. Notice to the City Commission shall be provided.
(Election of 1-26-10)

Section 4.05. Municipal Borrowing.

The City Commission, on behalf of the City of Florida City, shall have the authority to borrow money, contract loans, and issue bonds from time to time, to finance the undertaking of any capital or other projects, and for all governmental purposes and may pledge the funds, credit, property, and subject to approval by referendum, the taxing power of the municipality for the payment of debts and bonds in the manner permitted by law.
(Election of 1-26-10)

Section 4.06. Tax Levy.

Upon final adoption of the budget, the City Commission shall, by ordinance, levy the taxes necessary to fund the budget requirements and the City debt requirements. If the Commission shall fail to pass an ordinance levying the taxes for any budget year, the ordinance last previously passed levying taxes shall continue in full force and effect.
(Election of 1-26-10)

Section 4.07. Independent Audit.

Prior to the end of each fiscal year, the Mayor, subject to Commission approval, shall designate a qualified Certified Public Accountant who, as of the end of the fiscal year and at other times as ordered by the Mayor or Commission:

- (a) Shall make an independent audit of the accounts and other financial transactions of the City government;
- (b) Shall forward the final audit report to the Mayor for acceptance by the Commission and;
- (c) Shall post audit all books and documents kept by those handling funds of the City.

Such accountant shall have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers. He or she

shall not maintain any accounts or records of the City business that are not within specifications approved by the Mayor or Commission.
(Election of 1-26-10)

ARTICLE V. ELECTIONS

Section 5.01. Electors.

Any person who is a resident of the City, has qualified as an elector of this state, and has registered with the Department of Elections of Miami-Dade County in the manner prescribed by law, shall be an elector of the City of Florida City.
(Election of 1-26-10)

Section 5.02. Non-partisan Elections.

All nominations and elections for the offices of City Commission member and Mayor shall be conducted on a non-partisan basis without regard for or designation of political party affiliation of any nominee on a petition or ballot.
(Election of 1-26-10)

Section 5.03. Regulation of Elections.

The City Commission may, by ordinance, provide reasonable regulations for the conduct of municipal elections.
(Election of 1-26-10)

Section 5.04. Election Dates and Special Elections.

a) The dates of the general municipal elections in the City of Florida City required by this Charter shall be the fourth Tuesday of January in each even numbered year. In the event that a runoff election is required, it shall be held twenty-one (21) days thereafter.

b) Special elections shall be held in the same manner as the general municipal elections except that the City Commission, by ordinance, shall fix the time of holding such special elections.
(Election of 1-26-10)

Section 5.05. Qualifications and Filing Fee.

All candidates for the office of Mayor and City Commissioner shall qualify with the City Clerk

no earlier than the fifty-fifth (55th) day and no later than noon on the forty-sixth (46th) day before the date of the election at which he or she is a candidate in the method provided by law or ordinance, and shall pay a filing fee to be set by Resolution. All elected officials shall be residents of the City during their tenure of office.
(Election of 1-26-10)

Section 5.06. Form of Ballots.

The form of ballot and the type of election equipment shall be developed for each election in conjunction with the Miami-Dade County Elections Department, in compliance with state law and the administrative regulations of the Florida Department of State, Elections Division.
(Election of 1-26-10)

Section 5.07. Election Procedure.

(a) *Mayor*: The Mayor shall be elected for a term of four (4) years. The candidate receiving the majority of votes cast for Mayor shall be elected Mayor. If no candidate receives a majority of the votes cast for Mayor in the general election then the two (2) candidates receiving the highest number of votes cast for Mayor shall be in a runoff election three (3) weeks thereafter and the candidate receiving a majority of the votes cast for Mayor in the runoff election shall be elected Mayor.

(b) *City Commission*: All candidates for the office of City Commissioner shall run in a single group. City Commissioners shall be elected for a term of four (4) years. In the event there are more than twice the number of candidates for commissioners as there are vacancies, the number of candidates receiving the highest number of votes equaling twice the number of vacancies shall enter a runoff election three (3) weeks thereafter, and the ones, equal in number to the vacancies, receiving the highest number of votes, shall be declared elected. Any candidate for commissioner receiving a majority of the votes cast in the City Commission race in the regular election shall be declared elected, and shall not be required to enter a runoff election. A majority shall be arrived at by dividing the number of votes cast in the City Commission race by the number of commission

seats available. Any candidate receiving a majority of the resulting quotient shall be elected. If more candidates receive a majority of the resulting quotient than there are commission seats available, then the number of candidates receiving the highest number of votes equaling the number of commission seats available shall be elected.

Example: If 200 votes were cast for 2 commission seats, a "majority" for each seat would be 51 or more votes (200 votes divided by 2 seats equals 100, a majority of which equals 51)

(c) *Vice-Mayor*: The candidate receiving the highest number of votes for Commission member, in addition to being elected to a four (4) year term as commission member, shall also serve as Vice-Mayor for a period of (2) years.

(d) *The vote*: In case two (2) or more persons shall receive an equal and highest number of votes for the same office in a runoff election such persons shall draw lots to determine who shall be elected.
(Election of 1-26-10)

Section 5.08. Canvassing Board.

The Canvassing Board of the City of Florida City shall consist of all members of the City Commission. The Canvassing Board must meet and certify results of an election as provided by the Miami-Dade County Election Department at noon on the day following the election. The City Attorney shall be the legal advisor to the Canvassing Board. The Canvassing Board shall operate under the applicable provisions of state law.
(Election of 1-26-10)

Section 5.09. Commencement of Term of Office.

All elected officials shall take office immediately after election results are certified by the Canvassing Board.
(Election of 1-26-10)

Section 5.10. Recall.

All elected officers of the City of Florida City shall be subject to recall from office in accordance

with the provisions of Section 100.361 Florida Statutes (2009), or such other procedure as may be permitted by state law.
(Election of 1-26-10)

Section 5.11. Initiative and Referendum.

The electors of the City of Florida City shall have the power to propose to the City Commission the passage or repeal of ordinances and to vote on the question if the Commission refuses action. Such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees.

- (a) The person proposing to exercise this power shall submit the proposal to the City Commission which shall without delay approve as to form a petition for circulation in one or several copies as the proposer may desire.
- (b) The person or persons circulating the petition shall within sixty (60) days of approval of the form of the petition, obtain the valid signatures of voters in the city in numbers at least equal to fifteen (15) percent of the registered voters in the city on the day on which the petition is approved, according to the official records of the Miami-Dade County Elections Department. Each person signing a petition shall place thereon, after their name, the date, and their place of residence or precinct number. Each person circulating a copy of the petition shall attach to it a sworn affidavit stating the number of signers and the fact that each signature was made in the presence of the circulator of the petition.
- (c) The signed petitions shall be filed with the City Clerk who shall immediately forward them to the Miami-Dade County Elections Department to determine the sufficiency of the signatures. The petitions shall be accompanied by a cashiers check payable to the Miami-Dade County Elections Department in an amount sufficient to pay for a canvass of the petitions in accordance with the applicable statutes

and rules and regulations of the Division of Elections of the State of Florida. If the number of signatures is insufficient or the petition is deficient as to form or compliance with this section, the City Clerk shall notify the person filing the petition that the petition is insufficient and that it has failed.

- (d) The City Commission shall within thirty (30) days after a sufficient petition is presented either:
 - (1) Adopt the ordinance as submitted in an initiatory petition or repeal the ordinance referred to by a referendary petition, or
 - (2) Submit the proposal to the electors of the City in impartial and concise language and in such manner as will provide a clear understanding of the proposal.
- (e) If the City Commission determines to submit the proposal to the electors, the election shall be held either:
 - (1) In the next scheduled City election, or
 - (2) If the petition contains the valid signatures of city voters in a number at least equal to thirty (30) percent of the registered voters in the City, the election shall take place within one hundred and twenty (120) days after the date the petition is presented to the City Commission, preferably at an election already scheduled for other purposes, otherwise in a special election. The result shall be determined by a majority vote of the electors voting on the proposal.
- (f) An ordinance proposed by initiatory petition or the repeal of an ordinance by referendary petition shall be effective on the day after the election, except that:
 - (1) Rights accumulated under an ordinance between the time a certified referendary petition against the ordinance is presented to the City Com-

mission and the repeal of the ordinance by the voters, shall not be enforced against the City, and

- (2) Should two or more ordinances having conflicting provisions, be adopted at the same election, the one receiving the highest number of votes shall prevail as to those provisions.

- (g) An ordinance adopted by the electorate through initiatory proceedings shall not be amended or repealed by the City Commission for a period of one (1) year after the election at which it was adopted, but thereafter it may be amended or repealed like any other ordinance.

(Election of 1-26-10)

ARTICLE VI. CHARTER AMENDMENTS

Section 6.01. Charter Amendments.

Amendments to this Charter may be initiated as provided by Section 6.03 of the Miami-Dade County Charter.

(Election of 1-26-10)

Section 6.02. Charter Review Committee.

There shall be a Charter Review Committee appointed by the City Commission in 2016 and every six years thereafter in a manner prescribed by Resolution.

(Election of 1-26-10)

ARTICLE VII. GENERAL PROVISIONS

Section 7.01. Conflict of Interests.

All Commissioners, officials and employees of the City shall be subject to the standards of conduct for public officers, employees, and appointees set by Federal, State, County or other applicable law. The Commission may adopt additional standards of conduct and code of ethics requirements that are not inconsistent with Federal, State, County or other applicable law.

(Election of 1-26-10)

Section 7.02. Discrimination Policy.

The City shall not adopt any measure or policy or otherwise discriminate against any person due to age, race, religion, color, national origin, physical or mental disability, creed, sexual orientation or gender.

(Election of 1-26-10)

Section 7.04. Severability.

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter or the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

(Election of 1-26-10)

Section 7.05. Effect of This Charter.

All laws and parts of laws relating to or affecting the City in force when this Charter shall take effect are hereby repealed and superseded to the extent that the same are inconsistent with the provisions of this Charter but, insofar as the provisions of this Charter are the same in terms or in substance and effect as provisions of law in force when this Charter shall take effect relating to or affecting the City, the provisions of this Charter are intended to be not a new enactment but a continuation of such provisions of law, and this Charter shall be so construed and applied.

(Election of 1-26-10)